

ORDINANCE NO. 11-73

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REVISING THE FINAL HIALEAH, FLA., LAND DEVELOPMENT CODE TO REFLECT PERTINENT CHANGES TO THE HIALEAH CODE AND RELEVANT CHANGES IN STATE LAW ENACTED SINCE THE DATE OF THE LAST REVISION, INCLUDING, BUT NOT LIMITED TO, AMENDING REGULATION NO. 2. USES OF LAND AND WATER, LAND DEVELOPMENT REGULATION NO. 7 ENTITLED "SIGN REGULATION" AND LAND DEVELOPMENT REGULATION NO. 10. SUBDIVISION OF LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE HIALEAH, FLA., LAND DEVELOPMENT CODE AND THE HIALEAH CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 14, 2011 recommended approval of this ordinance; and

WHEREAS, the purpose and intent of this ordinance is to revise the Hialeah, Fla., Land Development Code to reflect changes in the planning regulations and policies, Hialeah Code and Florida law enacted since the last revision pursuant to Hialeah, Fla., Ordinance 10-67 (Nov. 12, 2010); and

WHEREAS, the incorporation of these changes are required so that provisions of the Hialeah, Fla. Land Development Code correspond to the existing Hialeah Code provisions to provide a uniform set of land development regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Hialeah, Fla., Land Development Code as incorporated in the Code of Ordinances of the City of Hialeah, Florida is hereby revised and amended to read as follows:

PART III

LAND DEVELOPMENT CODE

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REGULATION NO. 2 USES OF LAND AND WATER

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**Sec. 2-2. Relationship between land use classifications
and zoning districts or designations.**

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TABLE 1. RELATIONSHIP BETWEEN LAND USE
CLASSIFICATIONS AND ZONING DISTRICTS

<i>Future Land Use Map Classification</i>	<i>Zoning District</i>
*	*
Commercial	OPS office and professional services B-1 highly restricted retail district <u>BDH business development district</u> C-1 restricted retail commercial C-2 liberal retail commercial C-3 extended liberal commercial C-4 commercial district CRMU commercial-residential mixed use (overlay district) NBD neighborhood business district (overlay district) P parking district
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Industrial	M-1 industrial district M-2 industrial district M-3 industrial district M industrial park district <u>BDH business development district</u>
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REGULATION NO. 7 SIGN REGULATION

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Sec. 7-4. Required signs.

(a) *Safety signs.* Safety markings prescribed by fire authorities.

(b) *House or building numbers.*

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(6) All family day care homes licensed or registered with the state department of children and family services located in residential zoning districts must identify the facility with an affixed wall or façade sign with lettering “FDCH” at least six inches, but not more than ten inches in height, adjacent to the address identification if possible. All large child care homes licensed or registered with the state department of children and family services located in residential zoning districts must identify the facility with an affixed wall or façade sign with lettering “FCCH” at least six inches, but not more than ten inches in height, adjacent to the address identification if possible. These identification signs must be easily visible from the street or property line facing the front of the building. No other information or signage that would constitute advertising or promotion, including, but not limited to, murals, flags, banners and decorations, shall be allowed.

(7) Carbon monoxide lethal warning signs. At least two carbon monoxide lethal warnings signs shall be affixed to the interior walls of the garage, at a height easily visible and readable for a driver or passenger entering or exiting a motor vehicle providing language that explicitly warns people of the lethal danger of carbon monoxide exposure or inhalation from exhaust fumes from engines running in motor vehicles and from generators and other fossil fuel burning devices operating in enclosed garages. These warning signs shall be required on properties where motels, hotels,

apartment hotels, condominiums and rooming houses with enclosed garages are located and where such garages are directly connected to residential units or bedrooms or indirectly connected to residential units or bedrooms through hallways, corridors or internal stairways. Each sign shall be at least 24 inches in height and at least 24 inches in width and shall provide in bold lettering in capitals at the top of the sign the words "CARBON MONOXIDE WARNING". All signs shall be approved by the city fire marshal pursuant to a sign permit that requires an application and inspection fee of \$50.00 for signage within each enclosed garage and \$150.00 for signage for two or more garages within each free-standing or separate motel building, apartment building, condominium building or rooming house on the property. The application and inspection fee is waived for not-for-profit corporations that are organized and operate for the purpose of educating the public on the dangers of carbon monoxide exposure.

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Sec. 10-5. Site plan review.

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(1) Current inventory of sites designated by the Hialeah Historic Preservation Board.

<i>Date of Designation</i>	<i>Description of Site</i>	<i>Location</i>
*	*	*
2009	Iglesia Universal del Reino de Dios	500 Palm Avenue
2009	New Bethel AME Church	2275 West 5 Way
<u>2010</u>	<u>Milander Park Sign</u>	4800 Palm Avenue

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Hialeah, Fla., Land Development Code and Hialeah Code.

The provisions of this ordinance shall be included and incorporated in the Hialeah, Fla., Land Development Code and Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Hialeah, Fla., Land Development Code and the Hialeah Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled city council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED AND ADOPTED this 11th day of October, 2011.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

Attest:

Approved on this 14 day of Oct, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".